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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dara Frank, et al.

Date: January 14, 2003

Serial No.: 09/770,916

Group Art Unit: 1645

Filed: January 26, 2001

Examiner: Patricia Ann Duffy

Title: METHOD OF AND COMPOSITIONS  
FOR IMMUNIZATION WITH THE  
PSEUDOMONAS V ANTIGEN

File No.: 650053.91487

PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
(MPEP 711.03(c)I)

Commissioner For Patents  
Washington DC 20231

Dear Sir:

The undersigned representative of the applicants in the above-identified case received a Notice of Abandonment from the Examiner, dated January 9, 2003, for failure to timely reply to the Office letter mailed on June 10, 2002. The undersigned petitions the Commissioner under 37 CFR 1.181(a) to have the holding of abandonment withdrawn because an appropriate response was filed on July 8, 2002 (see MPEP 711.03(c)I and 711.04(c)). The response included a certificate of mailing and a filing postcard. The undersigned became aware of the abandonment after receipt of the Notice of Abandonment.

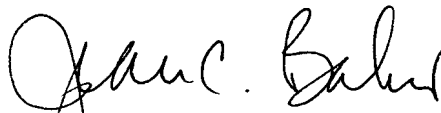
It is the routine business practice of the undersigned that on the day a response to Office communication and a filing postcard are mailed to the U.S. Patent and Trademark Office (USPTO) by first class mail, the undersigned signs the certificate of mailing located on the top portion of the response, gives the response to the secretary of the undersigned, and the secretary then makes a copy of the response and the filing postcard, puts the copy in the file kept by the undersigned, puts the original documents into an envelope, seals and leaves the envelope with one of the mail room messengers who will then deposit the envelope with the U.S. Postal Service on the same day. The secretary of the undersigned also keeps an electronic log book for everything the undersigned sends to the USPTO. Immediately after receiving the Notice of Abandonment on January 13, 2003, the undersigned checked the relevant file and found both a copy of the response with certificate of mailing and a copy of the filing postcard. The secretary of the undersigned also checked her electronic log book and found a entry for the response. A copy of the response and the filing postcard and a print copy of the relevant portion of the electronic log book are enclosed. A declaration made by

the secretary of the undersigned regarding her routine business practice and the electronic log book is also enclosed.

According to 37 CFR 1.8(b), a timely filed response that is not received by the USPTO leading to the issuance of a Notice of Abandonment can be considered timely filed if the party who filed the response informs the Office about the filing of the response promptly after becoming aware of the situation, provides a copy of the response, and attests on a personal knowledge basis that the response was filed. Based on this petition and the enclosures, the undersigned believes that these requirements are satisfied. Accordingly, the undersigned respectfully petitions the Commissioner to have the holding of abandonment withdrawn.

Should additional information relating to this petition be desired, the undersigned stands prepared to cooperate fully.

No fee is believed due in connection with this petition (see MPEP 711.03(c)I). However, if a fee is due, please charge the fee to Deposit Account No. 17-0055.



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